

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DOE NO. 1, *et al.*,

Plaintiffs,

Case No. 3:22-cv-337

vs.

BETHEL LOCAL SCHOOL DISTRICT  
BOARD OF EDUCATION, *et al.*,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Defendants.

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**ORDER SETTING DEADLINES FOR FED. R. CIV. P. 12 MOTIONS, RESPONSES IN  
OPPOSITION, AND REPLY BRIEFS**

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This civil case is before the Court after Intervenor-Defendant Anne Roe filed a Motion to Dismiss for Lack of Jurisdiction and Motion for Judgment on the Pleadings.<sup>1</sup> Doc. No. 75. Intervenor-Defendant moves to dismiss Counts II through V of Plaintiffs' complaint, but she refrains from seeking dismissal of Counts I or VI. In the interest of effective case management, the Court shall set a deadline for Defendants to file a Fed. R. Civ. P. 12 motion. Defendants are not required to file a Rule 12 motion to dismiss. Accordingly, Defendants shall have until **April 12, 2023** to file a motion under Rule 12, if they choose to do so, addressing any or all of Plaintiffs' claims.

Likewise, the Court shall set response and reply deadlines to the pending motion to dismiss and any other Rule 12 motion that may be filed. Any party has **14 days from the filing of any**

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<sup>1</sup> Because the Court granted Anne's motion to intervene under Fed. R. Civ. P. 24(a)(2), she "became a party for all purposes" and may file a Rule 12 motion. *Olle v. Henry & Wright Corp.*, 910 F.2d 357, 361 (6th Cir. 1990) (citing *District of Columbia v. Merit Sys Prot. Bd.*, 762 F.2d 129, 132 (D.C. Cir. 1985)); see also, e.g., *SEC v. U.S. Realty & Imp. Co.*, 310 U.S. 434, 460–61 (1940); *Van Hollen v. FEC*, 291 F.R.D. 11, 13 (D.D.C. 2013) (collecting cases).

**Rule 12 motion** to file a response in opposition. Any party has **7 days from the filing of the response in opposition** to file a reply brief. No party is required to file a response or reply if they do not wish to do so. The Court is willing to schedule oral argument, should the parties request it. The Court shall endeavor to address all outstanding issues, including Plaintiffs' motion for a preliminary injunction, once all pending motions ripen.

**IT IS SO ORDERED.**

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March 29, 2023

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s/Michael J. Newman

Hon. Michael J. Newman  
United States District Judge